

REMARKS

This application has been reviewed in light of the Office Action dated May 4, 2005. Claims 1-6 are presented for examination. Claims 1-4 have been amended to define more clearly what Applicant regards as his invention. Claims 1 and 2 are in independent form. Favorable reconsideration is requested.

The title has been changed as proposed in the Office Action.

The Abstract has been objected to for including more than 150 words. The Abstract has been amended as deemed necessary to overcome this objection. As such, withdrawal of the objection to the abstract is requested.

The drawings were objected to for not including reference numerals "103" and "110" shown in Fig. 9. In response to this objection, the specification has been amended to incorporate the mentioned reference numerals therein. As such, withdrawal of the objection to the drawings is requested.

Claims 1 and 2 were objected to for the reasons given in section 6 of the Office Action. Those claims have been amended as deemed necessary to overcome this objection, and thus withdrawal of the objection is requested.

Claims 3 and 4 were rejected under 35 U.S.C. 112, second paragraph, as indefinite, for the reasons given in section 9 of the Office Action. Those claims have been amended as deemed necessary to overcome this rejection, and thus withdrawal of the rejection is requested.

Claims 1-6 were rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent 5,936,343 (Fushimi et al.).

Independent Claims 1 and 2 recite distances (D1 and D2, in the case of Claim 1, and D3 and D4, in the case of Claim 2) between portions of the potential specifying plate and the electron beam irradiation member. For example, as amended, Claim 1 recites, in part:

“wherein D1 defined as a distance between a portion of the potential specifying plate between one opening, of the plurality of openings of the potential specifying plate, near the spacer and the spacer and the electron beam irradiation member, and D2 defined as a distance between a portion of the potential specifying plate between the one opening of the potential specifying plate near the spacer and another opening of the plurality of openings of the potential specifying plate not near the spacer and the electron beam irradiation member, meet a relationship $D1 < D2$.”

Amended Claim 2 recites, in part:

“wherein D3 defined as a distance between a portion of the potential specifying plate between one opening, of the plurality of openings of the potential specifying plate, near the spacer and the spacer and the electron-emitting device, and D4 defined as a distance between a portion of the potential specifying plate between the one opening of the potential specifying plate near the spacer and another opening of the plurality of openings of the potential specifying plate not near the spacer and the electron-emitting device, meet a relationship $D3 > D4$.”

Fushimi et al. relates to an image forming apparatus having a rear plate 101 on which electron-emitting devices 102 are formed, a face plate 112 on which fluorescent members 111 are formed, a potential-defining electrode 105 between plates 112 and 101, first support members 104 between the plate 101 and electrode 105, and second support members 113 between the electrode 105 and plate 112. (Col. 8, lines 11-22).

The Office Action states that, in Fushimi et al.:

“the distance D1 can be defined from the top of the conductive connection member (107) to the electron beam irradiation member (110) and the distance D2 can be defined from the top of the potential specifying plate (105) to the electron beam irradiation member (110), which would satisfy the relationship $D1 < D2$ as claimed in independent claim 1.” (See section 13 of the Office Action).

However, nothing in Fushimi et al. would teach or suggest the above-emphasized relationships between the distances of the components recited in the clauses of Claims 1 and 2 quoted above. Accordingly, those claims are believed clearly patentable over Fushimi et al.

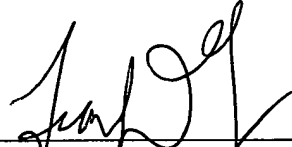
A review of the other art of record has failed to reveal anything which, in Applicant's opinion, would remedy the deficiencies of the art discussed above, as a reference against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Frank A. DeLucia', written over a horizontal line.

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